

21 January 2021

To: Bhavisha Sheth
Sydney City Council
dasubmissions@cityofsydney.nsw.gov.au

From: Janet Wahlquist
President
The Glebe Society

Ref: Ref DA: D/2020/1211, 48-64 Wentworth Park Road GLEBE, NSW, 2037

Dear Ms Sheth

The Heritage Impact Statement for the above development was not available on the Council's website until the 14 January 2021 the day after the closing date for comments. Thank you for arranging the HIS to be put on the portal so the Society could review it and agreeing to us revising our objection so it could be informed by the HIS.

I would be grateful if you could confirm by email that you have withdrawn the objection we submitted on 13 January 2021 and replaced it with this submission.

The Glebe Society objects to the DA to change the roof form and increase the height of 48-64 Wentworth Park Road, Glebe and to changes proposed for the ground floor façade of the building facing Wentworth Park Road.

The basis of our objection is set out below.

1. Background

48-64 Wentworth Park Road, Glebe is a factory building constructed for ERL Pty Ltd in 1937. The building is listed as a heritage item on the 2012 City of Sydney LEP. The Statement of Significance describes it as:

A finely detailed brick industrial building from the Inter-War period exhibiting features of the Federation Beaux Art as well as Art Deco styles. Conservation will contribute to the character of the area around Wentworth Park and Ultimo as an industrial warehouse precinct with high quality brick buildings.

It is identified as being of architectural and cultural significance and as being rare and representative.

The recommended management approach to conserve the building's heritage significance is:

that there shall be no vertical additions to the building and no alterations to the façade of the building other than to reinstate original features.

The building is located in a heritage conservation area [HCA].

2. The Present Building

As identified in the LEP this is a high-quality, beautifully articulated, inter-war industrial building. One of its distinguishing features is its arched roof form, the plan of which is illustrated in Fig 1 below.

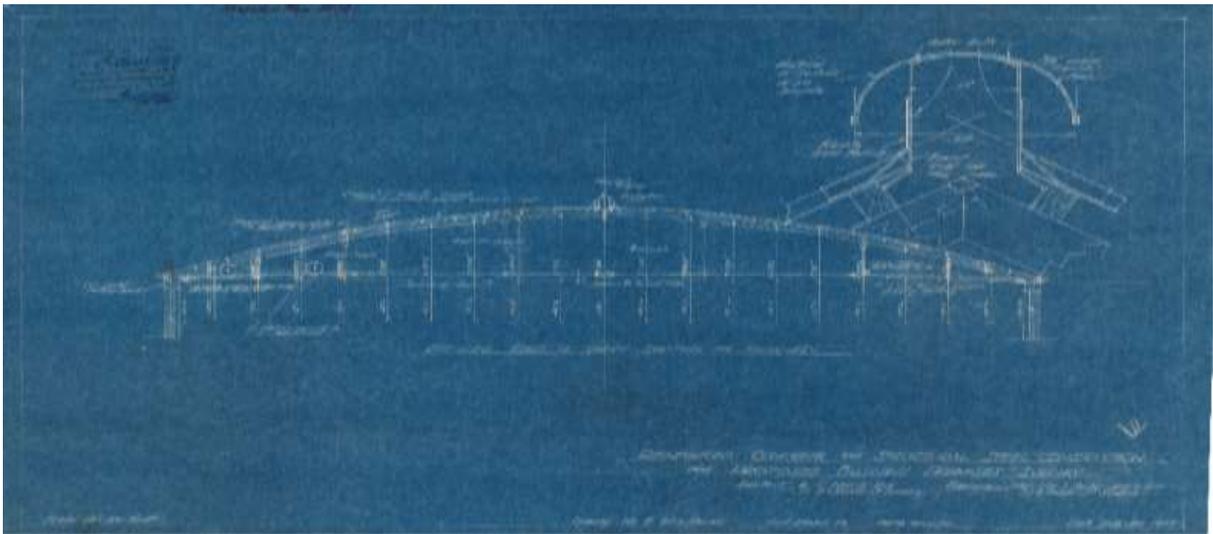


Figure 1 ERL Pty Ltd, 48-64 Wentworth Park Road, Glebe, 1937 City of Sydney Archives

The HIS states that the curved roof was a *later addition* (Brelco Build to Rent HIS, p. 19), however, this is not the case as the City of Sydney Archives show it was the result of a design amendment prior to construction.

The building was adapted as apartments in 2005. Its structure was in poor condition and the adaption showed considerable respect for the building envelope including retaining the appearance of the original arched roof form.

This involved renewing the curved roof while inserting dormers in a way which retained the legibility of the arched roof form. In many respects, it is an exemplar of how to adapt a heritage listed industrial building, within a heritage conservation area, for residential use.

3. The Development Application

The proposed development includes adding a gym and terrace to the roof of the building. This would increase the building height to 15.5 metres thus exceeding the allowable height in the DCP of 9 metres by 72%.

According to the application the height of the current building is 11.9 metres so a 40% increase in height above the existing building (whose height does not comply with the DCP height controls) is proposed.

The application claims that the curved roof with its interspersed dormer windows detracts from the building's heritage and that removing part of the arc and replacing it with a flat terrace and erecting a 3-metre-high box like structure on that terrace enhances the building's heritage values. The argument is absurd. As is shown in Figs 2 – 4 below, the proposed addition significantly changes the form of this heritage listed building and is obtrusive.



Figure 2 shows the original roof form



Figure 3 shows the 2005 attic insertions which retained the legibility of the curved roof



Figure 4 shows the proposed rooftop addition which is misdescribed in the application as a rooftop conversion

The application asserts that this is a minor building addition.

It is not as it significantly changes the form and appearance of the building. The applicant's assessment of the impact of the addition on views of the façade of the building is inaccurate and misleading (see Fig 5 below).

The building's location across the road from Wentworth Park allows for distant views thus giving it a higher degree of visibility than in a conventional street. The street trees on Wentworth Park Rd are deciduous which means the addition will be clearly visible in winter and it is simplistic to argue that views from the Bellevue Street apartments will not be affected. The viewing point has been aligned so the vista is screened by the brick pediment but most of the façade is not screened in this way. A more accurate assessment of the impact on views is contained in Figure 6 below.

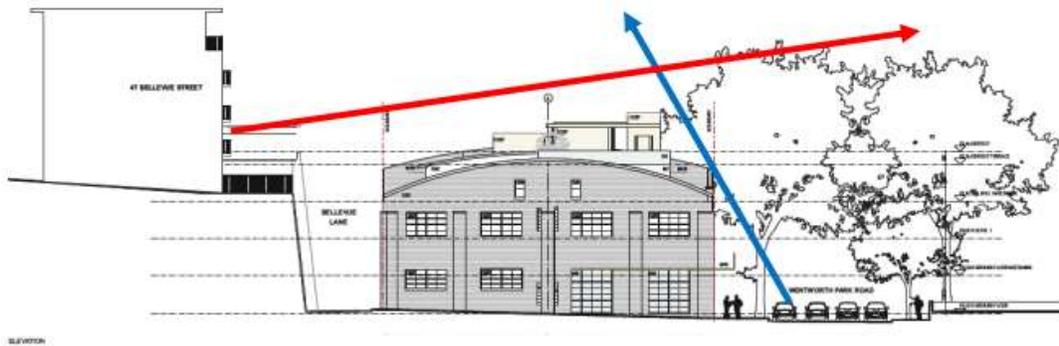


Figure 21 The new rooftop terrace will not adversely impact views from Wentworth Park Road (blue arrow), and only negligibly affect views from Bellevue Street apartments to the CBD due to the existence of street trees (red arrow).

Source: Tonkin Zulaikha Greer

Figure 5 The view misleading assessment of the rooftop additions impact on views contained in the application.

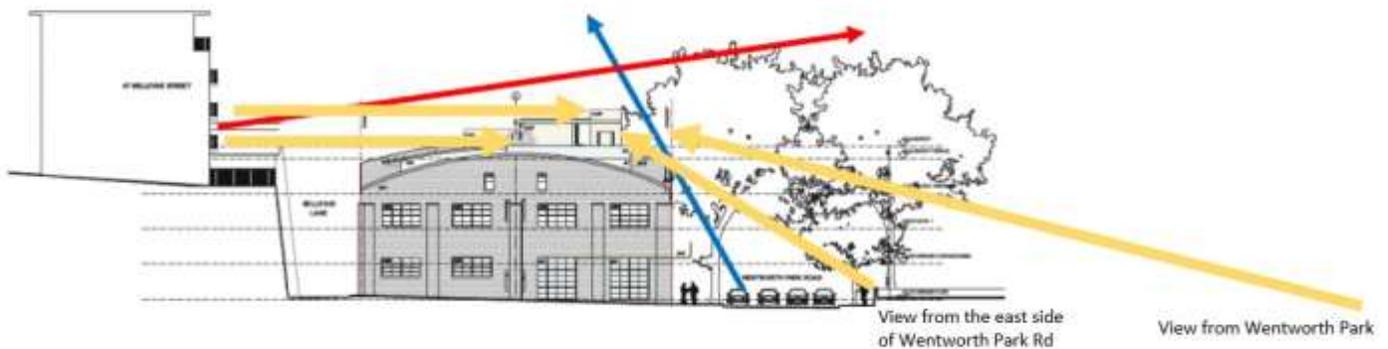


Figure 6 The yellow arrows show the true impact of the roof top addition on views from the Bellevue Street apartments, the eastern side of Wentworth Park Rd and from within Wentworth Park



Figure 7 The white line shows the current non- conforming 11.9 metre building height in relation to the precinct and the red line shows the proposed 15.5 metre height.

The 9-metre height limit is designed to preserve the scale of the streetscape and the topography of the HCA with its steep slope from the reclaimed land of the former Blackwattle Bay (now Wentworth Park) to Bellevue Street. As figure 7 shows 48-62 Wentworth Park Road is already the highest building in this part of the Heritage Conservation Area and the increase in its height to 15.5 metres would reduce the legibility of the topography.

The adjoining property at 40-46 Wentworth Park Road is currently being redeveloped. It was formerly occupied by Glenmore Meats which was identified as a detracting building in the DCP. It is important to note in the context of the current application that the development under construction at the adjoining site 40-46 Wentworth Park Rd, Glebe [D/2017/1752] essentially complies with the 9-metre height limit in the DCP (it is 9.4 metres high at its SE corner and 9 metres high at its NE corner).

The application for additional height beyond what is permitted in the code is based on Clause 4.6 of the Sydney City Council LEP which provides that in exceptional cases the planning system may vary the numerical control provided the development is consistent with the underlying purpose of the standard, and the broader planning objectives for the locality.

The Land and Environment Court has set out a five part test for consent authorities to consider when assessing an application to vary a standard to determine whether the objection to the development standards is well founded:

These are that:

1. *The objectives of the standard are achieved notwithstanding noncompliance with the standard;*

In this case the standard relates to a Heritage Conservation Area and is designed to retain the scale of the buildings in the HCA and the topography. As shown above these objectives cannot be met by noncompliance with the standard.

2. *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*

The underlying purpose of the standard is relevant, and compliance is necessary.

3. *The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*

The underlying purpose of the standard will be defeated or thwarted by noncompliance, therefore compliance is necessary.

4. *The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*

The standard has been maintained by Council, most notably in the recent development at the adjoining property at 40-46 Wentworth Park Rd Glebe [D/2017/1752]

5. *The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone*

The environmental character of the land has not changed since the building was adapted to residential use in 2005. The context in which of the parcel of land is located has not changed significantly for over 30 years with one exception which is the redevelopment of the neighbouring property at 40-46 Wentworth Park Rd to a form, scale and use which is more in keeping with the zone. The inclusion of the property in the HCA is appropriate, in addition the property is a listed heritage item, and the height controls are appropriate.

As a listed item, and because of its location in an HCA, the objectives and provisions of Section 3.10 of the Sydney City Council DCP apply to the development.

The Objectives of Section 3.10.1 are to:

(a) Conserve warehouse and industrial buildings older than 50 years and ensure that alterations, additions and adaptive re-use maintain the legibility of the historic use.

(b) Encourage the conservation of existing warehouse buildings and fabric and ensure that alterations and additions are sympathetic in scale and style to the existing building.

Provision 8 provides that

(8) Alterations and additions are to:

(a) retain the essential geometric form of the existing building when viewed from the public domain; and

(b) complement the materials and articulation of existing façade elevations.

As outlined above the proposed roof terrace does not *retain the essential geometric form of the existing building when viewed from the public domain* and does not *complement the materials and articulation of existing façade elevations*.

The Proposed Porch



Figure 8 The new entry, windows, porch and signage on Wentworth Park Rd

The proposal includes creating a new foyer and entry point. The Society has concerns about the proposed porch which adds an alien element to the geometric form of the Wentworth Park Road façade.

Impact on neighbours

As well as impacting on views from Bellevue Street the rooftop terrace will create problems with noise.

Conclusion

The Sydney City Council 2012 DCP provides very strict controls within Glebe's Heritage Conservation Areas in relation to attic conversions.

These principles should be applied to this proposal because it significantly alters the street elevation and is not an attic conversion but involves adding an additional storey to a heritage listed building in an obtrusive and inappropriate way.

The application asserts that maximum of height clause of the Sydney LEP 2012 should not apply because:

a. It is a minor addition.

As shown above it is not a minor addition but significantly changes the form of as heritage listed building located in an HCA and increases its height

b. It is compatible with the densely urban inner-city location, contributing to the variety of building typologies and scales in the locality

This is a nonsensical statement which would allow any alteration provided you could find a pre-existing example. This is not a sound basis for managing a listed item and development within an HCA.

c. Respects the character appearance and scale of nearby buildings within the heritage conservation area, and adjacent to the site.

As stated above the dwellings under construction on the neighbouring site at 40-46 Wentworth Park Road essentially respect the 9-metre height limit. The planning controls in relation to height in the 2012 DCP represent a considered view about what is appropriate to the HCA including allowing the topography of Glebe to be legible. The application fails to provide any rigorous analysis to demonstrate why these height controls should not apply

d. The rooftop terrace addition will effectively improve the amenity of the building whilst appropriately blending in with the heritage conservation area and nearby heritage items. The rooftop has been appropriately designed to sit on top of the existing building. It takes cues from the height and scale of the existing building, neighbouring properties, and the site's topography, as to ensure an appropriate height and scale that will not negatively impact the character or appearance of the heritage conservation area.

Improving the amenity of the building is not a justification for significantly altering the form of a listed building and making it higher than the height limit the DCP sets down for the HCA. Contrary to what is claimed the proposed alteration does not blend with the HCA and impacts negatively on the heritage item itself and its setting.

The application should be rejected because:

- I. It does not comply with the 9-metre height limit in 2012 Sydney City DCP
- II. There is no justification under Clause 4.6 of the LEP for waiving that height limit.
- III. It involves adding an obtrusive roof top addition which obscures the legibility of the curved roof which was a significant element of the original design of the building
- IV. It is contrary to the recommend management approach to 46-62 Wentworth Park Road Glebe which states *that there shall be no vertical additions to the building and no alterations to the façade of the building other than to reinstate original features* and to Section 3.10.1 Provision 8 of the DCP because it does not *retain the essential geometric form of the existing building when viewed from the public domain* and does not *complement the materials and articulation of existing façade elevations*.
- V. It has a negative impact on views from neighbouring houses
- VI. Will create problems with noise in a residential area

Yours sincerely

Janet Wahlquist
President